

PATENT COOPERATION TREATY

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REC'D 27 JUL 2001

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

| | | |
|---|--|---|
| Applicant's or agent's file reference CARDE.53939 | FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) | |
| International application No. PCT/US00/01485 | International filing date (day/month/year) 22 JANUARY 2000 | Priority date (day/month/year) 22 JANUARY 1999 |
| International Patent Classification (IPC) or national classification and IPC IPC(7): A61M 25/00, 10 and US CL: 600/250 | | |
| Applicant CARDEON CORPORATION | | |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

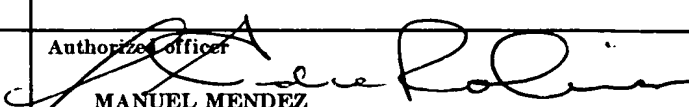
2. This REPORT consists of a total of 3 sheets.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority. (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 0 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of report with regard to novelty, inventive step or industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

| | |
|--|---|
| Date of submission of the demand 22 AUGUST 2000 | Date of completion of this report 28 JUNE 2001 |
| Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231 | Authorized Officer  MANUEL MENDEZ |
| Facsimile No. (703) 305-3230 | Telephone No. (703) 308-2221 |

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

US00/01485

I. Basis of the report

1. With regard to the elements of the international application:*

☒ the international application as originally filed☒ the description:

pages 1-31, as originally filed

pages NONE, filed with the demand

pages NONE, filed with the letter of

☒ the claims:

pages 32-36, as originally filed

pages NONE, as amended (together with any statement) under Article 19

pages NONE, filed with the demand

pages NONE, filed with the letter of

☒ the drawings:

pages 1-33, as originally filed

pages NONE, filed with the demand

pages NONE, filed with the letter of

☒ the sequence listing part of the description:

pages NONE, as originally filed

pages NONE, filed with the demand

pages NONE, filed with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).☐ the language of publication of the international application (under Rule 48.3(b)).☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in printed form.☐ filed together with the international application in computer readable form.☐ furnished subsequently to this Authority in written form.☐ furnished subsequently to this Authority in computer readable form.☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.4. ☒ The amendments have resulted in the cancellation of:☒ the description, pages NONE☒ the claims, Nos. NONE☒ the drawings, sheets/fig NONE5. ☐ This report has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

**Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

500/01485

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. statement

| | | | |
|-------------------------------|--------|-------------|-----|
| Novelty (N) | Claims | <u>1-50</u> | YES |
| | Claims | <u>NONE</u> | NO |
| Inventive Step (IS) | Claims | <u>1-50</u> | YES |
| | Claims | <u>NONE</u> | NO |
| Industrial Applicability (IA) | Claims | <u>1-50</u> | YES |
| | Claims | <u>NONE</u> | NO |

2. citations and explanations (Rule 70.7)

Claims 1-50 meet the criteria set out in PCT Article 33(2)-(4), because the prior art does not teach or fairly suggest a fluid flow divider for dividing fluid flow within a body lumen into at least two channels, the fluid flow divider having a deployed state wherein the flow divider divides fluid flow through the body lumen into a first flow channel and a second flow channel.

----- NEW CITATIONS -----

NONE

PATENT COOPERATION TREATY

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INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

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| Applicant's or agent's file reference carde. | FOR FURTHER ACTION <small>see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.</small> | |
| International application No. PCT/US 00/ 01485 | International filing date (day/month/year) 22/01/2000 | (Earliest) Priority Date (day/month/year) 22/01/1999 |
| Applicant CARDEON CORPORATION et al. | | |

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 3 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☒ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☒ because this figure better characterizes the invention.

5

☐ None of the figures.

INTERNATIONAL SEARCH REPORT

International Application No

US 00/01485

A. CLASSIFICATION OF SUBJECT MATTER
 IPC 7 A61M25/00 A61M25/10

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61M A61F A61B

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

| Category * | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
|------------|---|-------------------------------|
| X | US 5 536 250 A (KLEIN ET AL.) 16 July 1996 (1996-07-16) column 2, line 13 -column 3, line 59 column 4, line 58 -column 7, line 27 column 8, line 47 - line 55 figures 8,9 --- | 1,2,4-6, 9,10, 17-19,41 |
| A | DE 41 01 934 A (FISCHER ET AL.) 23 July 1992 (1992-07-23) the whole document --- | 23-25,27 |
| A | US 5 308 320 A (SAFAR ET AL.) 3 May 1994 (1994-05-03) column 7, line 63 -column 9, line 51 figures 4,5 ----- | 20,21 |

☐ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

- "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- "&" document member of the same patent family

Date of the actual completion of the international search

14 June 2000

Date of mailing of the international search report

21/06/2000

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
 NL - 2280 HV Rijswijk
 Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
 Fax: (+31-70) 340-3016

Authorized officer

Schönleben, J

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

US 00/01485

| Patent document cited in search report | | Publication date | Patent family member(s) | Publication date |
|---|---|---------------------|----------------------------|---------------------|
| US 5536250 | A | 16-07-1996 | AU 2206995 A | 23-10-1995 |
| | | | AU 3278995 A | 29-03-1996 |
| | | | EP 0781149 A | 02-07-1997 |
| | | | JP 10505767 T | 09-06-1998 |
| | | | WO 9526773 A | 12-10-1995 |
| | | | WO 9608286 A | 21-03-1996 |
| | | | US 5634901 A | 03-06-1997 |
| | | | US 5562620 A | 08-10-1996 |
| | | | US 5876374 A | 02-03-1999 |
| | | | US 5599306 A | 04-02-1997 |
| DE 4101934 | A | 23-07-1992 | NONE | |
| US 5308320 | A | 03-05-1994 | US 5820593 A | 13-10-1998 |
| | | | US 5879316 A | 09-03-1999 |
| | | | US 5906588 A | 25-05-1999 |
| | | | US 5383854 A | 24-01-1995 |

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Commissioner
US Department of Commerce
United States Patent and Trademark
Office, PCT
2011 South Clark Place Room
CP2/5C24
Arlington, VA 22202
ETATS-UNIS D'AMERIQUE
in its capacity as elected Office

| | |
|--|--|
| Date of mailing (day/month/year) 24 January 2001 (24.01.01) | |
| International application No. PCT/US00/01485 | Applicant's or agent's file reference card. |
| International filing date (day/month/year) 22 January 2000 (22.01.00) | Priority date (day/month/year) 22 January 1999 (22.01.99) |
| Applicant MACOVIAK, John, A. et al | |

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:
22 August 2000 (22.08.00)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

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|---|--|
| The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35 | Authorized officer Maria Kirchner Telephone No.: (41-22) 338.83.38 |
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